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Gary Alan Tanaka*

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

- against -

ALBERTO WILLIAM VILAR, a/k/a "Albert
Vilar," and GARY ALAN TANAKA

Defendants.

S1 05 Cr. 621 (KMK)

ECF CASE

**DECLARATION OF GARY ALAN TANAKA IN SUPPORT OF
MOTION TO SUPPRESS COMPUTER FILES**

I, Gary Alan Tanaka, declare as follows:

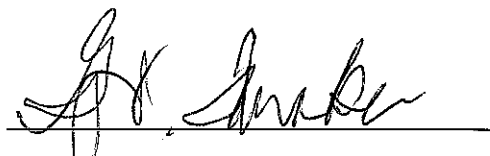
1. I am a defendant in the above-captioned action. I submit this declaration in support of the joint motion to suppress evidence seized from the offices of Amerindo Investment Advisors Inc. ("Amerindo U.S.") at 399 Park Avenue, 22nd Floor, New York, New York. Because I am submitting this declaration for the limited purpose of supporting the motion to suppress, I have not included every fact known to me relating to the subject matter of this action.

2. I reside in London, England with my wife and young son. On May 26, 2005, I was the Executive Vice President and a principal of Amerindo U.S., which leased offices on the 22nd floor of 399 Park Avenue. Prior to May 26, 2005, when I was in New York, I conducted business in these offices. Prior to May 26, 2005, I stored various business records throughout the premises and maintained a personal working space, which included a desk, computer, various files and personal belongings.

3. As Amerindo U.S.'s Executive Vice President who worked on the premises when in New York, I expected that Amerindo U.S.'s New York offices would remain private and free from unlawful, official intrusion.

4. Prior to May 26, 2005, Amerindo U.S. had approximately 25 clients. Amerindo U.S. currently has only one remaining client. Amerindo U.S. expects to close its operations in the near future.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration is executed the fifth day of October, 2005, at New York, New York.

A handwritten signature in black ink, appearing to read "Gary Alan Tanaka", written over a horizontal line.

Gary Alan Tanaka